

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

Vs.

Case No. 06-F-94-3
(James A. Matish, Chief Judge)

DAVID G. STAMM,

Defendant.

ORDER GRANTING DEFENDANT'S MOTION TO RESENTENCE
THE DEFENDANT/ORDER RESENTENCING DEFENDANT

On the 11th day of December, 2006, came the State of West Virginia by Kurt W. Hall, Assistant Prosecuting Attorney for Harrison County, West Virginia, and came also the defendant, David G. Stamm, in person and in the custody of an agent of the West Virginia Department of Corrections, and by Greta L. Davis, his counsel. Also present for said proceedings was Michael Burnside, Adult Probation Officer. All parties were present for a hearing on Defendant's Motion to Resentence the Defendant.

Whereupon, the Court reviewed the procedural history of the above captioned matter for the record.

The Court, without objection of the State, granted Defendant's Motion to Resentence the Defendant.

Nothing further being offered in delay of judgment herein with regard to defendant's finding of guilty of the felony offense of failure to meet an obligation to provide support to a minor as contained in the indictment in this case, it was considered and ORDERED by the Court that said defendant, David G. Stamm, be committed to the custody of the Commissioner of the West Virginia Department of Corrections for a term of not less than one (1) year nor more than

three (3) years from the 7th day of July, 2006, thereby giving said defendant credit for time previously served.

It was further ORDERED that the defendant, David G. Stamm, pay the costs assessed in this matter (including jury fee) within one hundred eighty (180) days of his release from imprisonment.

It was further ORDERED that the defendant, David G. Stamm, make restitution to the State of West Virginia in the amount of One Thousand Eight Hundred Sixty-Four Dollars (\$1,864.00) within one hundred eighty (180) days of his release from imprisonment and the State of West Virginia was granted a judgment against the defendant for said amount, in lieu of any previous judgments entered in that amount.

It was further ORDERED that the defendant, David G. Stamm, make restitution to Rebecca Roth, in the amount of Seven Thousand Three Hundred Eighty-Six Dollars (\$7,386.00) within one hundred eighty (180) days of his release from imprisonment and Ms. Roth was granted a judgment against the defendant for said amount, in lieu of any previous judgments in that amount.

The Court thereupon noted that any amounts due and owing either the State of West Virginia or Ms. Roth after July 28, 2006, would be subject to a separate Judgment Order.

The Court thereupon granted defendant a period of thirty (30) days to file is Notice of Intent to Appeal and informed the defendant that he has four (4) months from entry of this Order to perfect his appeal.

The Court further informed the defendant that the transcript request previously filed in this matter would be sufficient and would be deemed as his request for the same.

OFFENSE: FAILURE TO MEET AN OBLIGATION TO PROVIDE
SUPPORT TO A MINOR
TERM: 1-3 YEARS

CONVICTION DATE:	JUNE 19, 2006
SENTENCE DATE:	JULY 28, 2006
RESENTENCE DATE:	DECEMBER 11, 2006
EFFECTIVE SENTENCE DATE:	JULY 7, 2006

Thereupon, the defendant was returned to Pruntytown Correctional Center in company with an agent of the West Virginia Department of Corrections.

It was further ORDERED that the Clerk of this Court transmit a copy of this Order, duly certified, to the following parties:

Kurt W. Hall
Assistant Prosecuting Attorney
Third Floor, Courthouse
301 West Main Street
Clarksburg, West Virginia 26301

Greta L. Davis, Esq.
Office of the Public Defender
Suite 600, Chase Tower
215 South Third Street
Clarksburg, West Virginia 26301

Harrison County Adult Probation Office
Third Floor, Courthouse
301 West Main Street
Clarksburg, West Virginia 26301

Pruntytown Correctional Center
P. O. Box 159
Grafton, West Virginia 26354

West Virginia Department of Corrections
112 California Avenue
Charleston, West Virginia 25305

David G. Stamm
c/o Pruntytown Correctional Center
P. O. Box 159
Grafton, West Virginia 26354

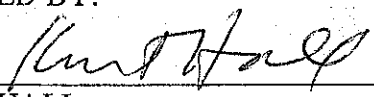
ENTER: _____

12/13/2006



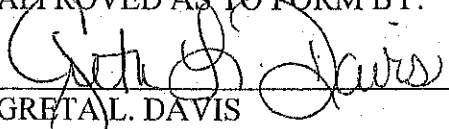
JAMES A. MATISH, CHIEF JUDGE

SUBMITTED BY:



KURT W. HALL
Assistant Prosecuting Attorney

APPROVED AS TO FORM BY:



GRETA L. DAVIS
Counsel for Defendant